

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE:)	Chapter 11
)	
TOUCH AMERICA HOLDINGS, INC., et al.,)	Bk. No. 03-11915 (KJC)
)	
Debtors.)	Jointly Administered
ENTECH LLC,)	
)	Adv. No. 04-52935 (KJC)
Plaintiff,)	
)	
OFFICIAL COMMITTEE OF UNSECURED)	
CREDITORS,)	
)	
Plaintiff-Intervenor,)	
)	
v.)	C.A. No. 04-1336-SLR
)	
WESTMORELAND COAL COMPANY,)	
a Delaware corporation, and)	
WESTMORELAND MINING LLC,)	
a Delaware limited liability company,)	
)	
Defendants.)	

PLAINTIFF ENTECH LLC'S MOTION TO COMPEL

Plaintiff Entech LLC, by and through its undersigned counsel, and pursuant to Federal Rule of Civil Procedure 37, hereby moves this Court for entry of an Order compelling defendants Westmoreland Coal Company and Westmoreland Mining LLC to respond to certain of Entech's outstanding requests for production and interrogatories and produce responsive, non-privileged documents. The grounds for this motion are more fully set forth in Entech's opening brief in support of this motion, filed contemporaneously herewith.

As set forth in the attached certification, and pursuant to Federal Rule of Civil Procedure 37(a)(2) and District of Delaware Local Rule 7.1.1, Entech made good faith

efforts to reach agreement with defendants on the matters set forth in this motion and the accompanying opening brief in an effort to secure production of the documents and disclosure of the information without court action, but was unable to do so.

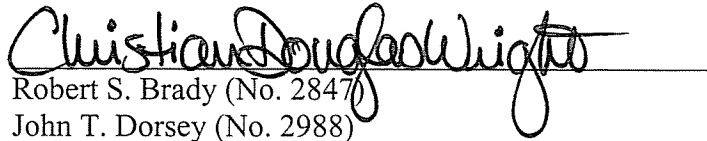
Pursuant to Federal Rule of Civil Procedure 37(a)(4), plaintiff respectfully request that the Court award plaintiff its reasonable costs and expenses, including attorneys' fees, incurred in connection with this Motion to Compel.

★ ★ ★

WHEREFORE, plaintiff Entech LLC respectfully requests that the Court enter an Order granting this Motion to Compel. A proposed Order is attached.

Respectfully submitted,

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Co-counsel to the Plaintiff

DATED: April 29, 2005

CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2005, I caused to be electronically filed a true and correct copy of *Plaintif Entech LLC's Motion to Compel* with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

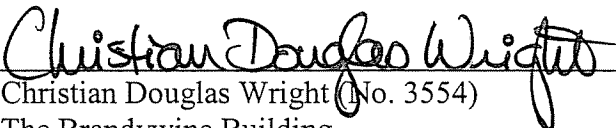
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I further certify that on April 29, 2005, I caused a copy of the *Plaintif Entech LLC's Motion to Compel* to be served by hand-delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

BY FEDEX

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